

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF ARIZONA**

3 United States of America,

No. _____

4 Petitioner,

5 v.

6 **[PROPOSED]**
7 **EMERGENCY TEMPORARY ORDER**

8 Aamir Hafiz Sheikh,

9 Respondent.

10 The United States having filed a Petition (ECF No. 1) and Motion for Emergency
11 Temporary Order to Perform Involuntary Medical Examinations (ECF No. 2) supported by
12 declarations, the Court makes the following specific findings:¹

13 1. Mr. Aamir Hafiz Sheikh, A096 218 019, is detained at the La Palma
14 Correctional Center (LPCC), since August 27, 2018, pending removal from the United
15 States.

16 2. Mr. Sheikh has unequivocally informed the United States that he is presently
17 engaged in a self-imposed hunger strike and intends to continue to engage in this hunger
18 strike indefinitely.

19 3. Mr. Sheikh has not eaten since March 10, 2019, and last received intravenous
20 hydration on March 17, 2019.

21 4. Mr. Sheikh has refused to cooperate with medical staff's requests to perform
22 routine monitoring, to provide medical care, or to answer questions regarding his fluid
23 intake since March 19, 2019.

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28 ¹ The Petition and the Declarations in support of the Motion are hereby incorporated by
reference into this Order.

1 5. The LPCC medical staff have repeatedly tried to persuade Mr. Sheikh to
2 discontinue the hunger strike and accept nourishment voluntarily, as well as to accept
3 medical monitoring and medical care voluntarily.

4 6. An emergency temporary order is necessary to preserve the status quo and to
5 prevent irreparable harm to Mr. Sheikh and the United States.

6 7. Absent a temporary order permitting the United States to perform
7 involuntary medical examinations of Mr. Sheikh and to restrain him if he resists those
8 examinations, Mr. Sheikh could become permanently injured or die.

9 8. Absent a temporary order permitting the United States to perform
10 involuntary medical examinations of Mr. Sheikh and to restrain him if he resists those
11 examinations, legitimate government interests in preserving the lives of individuals in its
12 custody, maintaining security and orderly operations in its immigration detention facilities,
13 and avoiding burdensome and unnecessary litigation would be harmed.

14 9. Mr. Sheikh was not afforded time to respond to the Petition and Motion due
15 to the immediate and irreparable harm that would result from inaction.

16 10. The Petition is supported by the declarations attached to the Motion that
17 demonstrate that immediate and irreparable injury will occur before the Mr. Sheik is able
18 to respond.

19 11. The procedures applied in this case are in accordance with well-established
20 legal authorities that have considered the issue. *See In re Grand Jury Subpoena John Doe*
21 *v. United States*, 150 F.3d 170, 172 (2d Cir. 1998); *Garza v. Carlson*, 877 F.2d 14, 17 (8th

22 Cir. 1989); *In re Soliman*, 134 F. Supp. 2d 1238 (N.D. Ala. 2001); *In re Sanchez*, 577 F.

23 Supp. 7, 8 (S.D.N.Y. 1983); *Laurie v. Senecal*, 666 A.2d 806, 808 (R.I. 1995).

24 **IT IS HEREBY ORDERED** that the Motion is GRANTED, and the Secretary of
25 the Department of Homeland Security, through component agencies, Immigration and
26 Customs Enforcement and the Public Health Service, Division of Immigration Health
27 Services Corps, may:

1 1. conduct involuntary blood draws and weight checks, insert urinary
2 catheters, and perform routine medical examinations on Mr. Sheikh; and

3 2. restrain Mr. Sheikh if he resists efforts to draw blood, be weighed, have
4 urinary catheters inserted.

5 **IT IS FURTHER ORDERED** that counsel for the United States shall serve a copy
6 of the Petition (ECF No. 1), the Motion for Emergency Temporary Order to Perform
7 Involuntary Medical Examinations (ECF No. 2), and this Emergency Temporary Order on
8 Mr. Sheikh prior to undertaking any involuntarily medical examinations of Mr. Sheikh.

9 **IT IS FURTHER ORDERED** that a preliminary hearing on the United States'
10 motion for emergency temporary order to perform involuntary medical examinations on
11 Mr. Sheikh shall be held on _____ at _____ in Courtroom No. __,
12 Phoenix, Arizona 85003.

13 **IT IS FURTHER ORDERED** that Respondent Aamir Hafiz Sheikh shall appear
14 at the Preliminary Injunction Hearing on _____ at ____ by telephonic conference
15 only.

16 **IT IS FURTHER ORDERED** that counsel for the United States shall set up a
17 telephonic conference to enable Respondent Aamir Hafiz Sheikh to so appear. The Court
18 recommends that the telephone call be placed to telephone number 602-_____, five
19 minutes before the hearing is scheduled to take place.

20 **IT IS FURTHER ORDERED** that, no later than _____ on _____, 2019,
21 counsel for the United States shall inform the Court whether an interpreter will be
22 necessary for this hearing.

23 **IT IS FURTHER ORDERED** that the United States is not required to post a bond
24 under Federal Rule of Civil Procedure 65(c).